

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**MR. ANDREW FICHTHORN
EXECUTIVE VICE PRESIDENT
AND GENERAL MANAGER
SEAWORLD SAN DIEGO
SEAWORLD ADVENTURE PARK
500 SEAWORLD DRIVE
SAN DIEGO, CA 92109-7904**

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)
) **COMPLAINT NO. R9-2005-0129**
) **FOR**
) **ADMINISTRATIVE CIVIL LIABILITY**
) **WITH**
) **MANDATORY MINIMUM PENALTIES**

May 16, 2005

**VIOLATIONS OF EFFLUENT LIMITATIONS IN)
ORDER NO. 2000-0025, NPDES NO. CA0107336,)
WASTE DISCHARGE REQUIREMENTS FOR)
SEAWORLD SAN DIEGO, SAN DIEGO COUNTY)
DISCHARGE TO MISSION BAY)
WDID NO. 9 000000083)**

SEAWORLD SAN DIEGO IS HEREBY GIVEN NOTICE THAT:

1. SeaWorld San Diego is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, § 13385, of the California Water Code (CWC). The violation alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must impose mandatory minimum penalties (MMP).
2. SeaWorld San Diego discharged treated wastewater to Mission Bay subject to waste discharge requirements, including numeric effluent limitations, contained in *Order No. 2000-0025, NPDES No. CA0107336, Waste Discharge Requirements for SeaWorld San Diego, San Diego County, Discharge to Mission Bay*.
3. The CWC Sections 13385 (h) and (i) includes provisions for MMP for serious and chronic violations of waste discharge requirements for surface water discharges. Each serious violation (defined as an exceedence of an effluent limitation for Group I pollutant by 40 percent or more, or for a Group II pollutant by 20 percent or more) is subject to a three thousand dollar (\$3,000) MMP. Furthermore, the occurrence of one or more chronic violations (defined as any effluent violation, in any six-month period) requires the assessment of a three thousand dollar (\$3,000) MMP for the fourth violation and each subsequent violation during the six-month period.

ALLEGATIONS

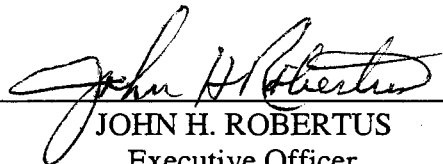
4. During October through December 2004, the discharges for the West Outfall exceeded effluent limitations for suspended solids as noted in *Table 1. Summary of Effluent Violations* (attached).
5. Pursuant to subdivision (h) and (i) of Section 13385 of the CWC, the Regional Board must impose an MMP of six thousand dollars (\$6,000) for the alleged violations of effluent limitations as determined by the following:

On December 15, 2004 the concentration of total suspended solids (a Group I pollutant) in your discharge was 40 mg/L, which exceeded the daily maximum effluent limitation (16.1 mg/L) and the monthly average effluent limitation (11.1 mg/L) by 40% or more.

PROPOSED CIVIL LIABILITY

6. Pursuant to Section 13385(h) of the CWC, the Regional Board must impose mandatory minimum penalties of six thousand dollars (\$6,000) on SeaWorld San Diego. No additional civil liability for the violation alleged in this Complaint is recommended.

Dated this 16th day of May 2005.



JOHN H. ROBERTUS
Executive Officer

No.	Date	Constituent	Effluent Limitation	Unit	Permitted Limit**	Reported Value	Percent Exceedance	Serious	
								Violation (i.e. 40% or greater than limitation)	Mandatory Minimum Penalty
1	12/15/2004	suspended solids	daily maximum	mg/L	16.1	40	248%	yes	\$3,000
2	12/15/2004	suspended solids	monthly average	mg/L	11.1	40	360%	yes	\$3,000
									\$6,000

** Permitted limit for daily maximum is intake concentration plus 15 mg/L.

Permitted limit for the monthly average limitation is intake concentration plus 10 mg/L.

The reported intake concentration for suspended solids on December 15, 2004 was 1.1 mg/L.